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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2011-1795*

11 **JULIE M. ANDERSON**
12 **5829 Vesper Avenue**
13 **Van Nuys, CA 91411**
Registered Nurse License No. 547330

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about August 27, 1998, the Board of Registered Nursing issued Registered
22 Nurse License Number 547330 to Julie M. Anderson ("Respondent"). The Registered Nurse
23 License expired on April 30, 2002, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.
28

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action...”

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Indiana Board of Nursing)

9. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the Indiana Board of Nursing ("Indiana Board").

10. On or about January 25, 2010, pursuant to the Findings of Fact, Conclusions of Law, and Order issued in the disciplinary action entitled *State of Indiana v. Julie M. Anderson, R.N., L.P.N., License Numbers: 28142547A, 27031814A*, the Indiana Board revoked Respondent's Registered Nurse license. The basis for the Order is as follows:

- a. On or about August 26, 2009, the Indiana Board reinstated Respondent's Registered Nurse license and placed it on indefinite probation. Reinstatement was conditioned on Respondent's compliance with the Indiana State Nurses Assistance Program ("ISNAP") Recovery Monitoring Agreement ("RMA"), and that her chronic pain management plan would not involve the use of controlled substances.
- b. On or about November 11, 2009, ISNAP received information from Dr. Hinchman indicating that Respondent was using Fentanyl in violation of the RMA.
- c. On or about December 10, 2009, an administrative hearing was conducted in the matter.
- d. On or about December 10, 2009, Charles Lindquist, Program Director for ISNAP, testified that that Dr. Hinchman confronted Respondent about the prescription for Fentanyl, that Respondent admitted to Dr. Hinchman to having prescriptions for using Fentanyl, and that Respondent requested that drug because she knew that the standard urine drug screen did not test for Fentanyl.
- e. On or about December 10, 2009, Respondent testified at the hearing that she requested the prescription from her physician to evade the drug screen, that she used the Fentanyl, and that she was dishonest with the Indiana Board at an earlier hearing.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Florida Board of Nursing)**

3 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the
5 Florida Board of Nursing ("Florida Board").

6 12. On or about March 12, 1996, pursuant to the Findings of Fact, Conclusions of
7 Law, and Final Order issued in the disciplinary action entitled *Agency for Health Care*
8 *Administration v. Julie M. Anderson*, the Florida Board suspended Respondent's Registered
9 Nurse license until such time that Respondent was evaluated by the Intervention Project for
10 Nurses ("IPN"). The basis for the Order is as follows:

- 11 a. On or about March 1995, while employed as a Registered Nurse at Tamarac
12 Convalescent Center, Respondent signed out medications from the narcotic count
13 sheet for several residents and failed to document the narcotics as having been
14 administered or wasted on the patients' medication administration sheet.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Disciplinary Action by the Florida Board of Nursing)**

17 13. Respondent is subject to disciplinary action under Code section 2761, subdivision
18 (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the
19 Florida Board of Nursing ("Florida Board").

20 14. On or about March 12, 1996, pursuant to the Final Order issued in the disciplinary
21 action entitled *Agency for Health Care Administration v. Julie M. Anderson*, Respondent
22 voluntarily relinquished her practical nurse license.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 15. Respondent is subject to disciplinary action under Code section 2761, subdivision
26 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
27 particularly described in paragraph 9, paragraph 10, subparagraphs (a) through (e), paragraph 11,
28 paragraph 12, subparagraph (a), paragraph 13, and paragraph 14, inclusive, above, and herein

1 incorporated by reference.

2 PRAYER

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
4 and that following the hearing, the Board of Registered Nursing issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 547330, issued to Julie
6 M. Anderson;

7 2. Ordering Julie M. Anderson to pay the Board of Registered Nursing the reasonable
8 costs of the investigation and enforcement of this case, pursuant to Business and Professions
9 Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.

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12
13 DATED: March 22, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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